



City of NORFOLK

C: Dir., Department of Public Works


To the Honorable Council
City of Norfolk, Virginia

March 10, 2015

From: David Ricks, Director of Public Works

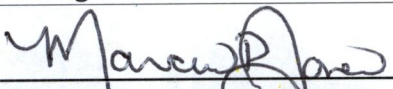
Subject: Approving conveyance by quit claim of a utility easement from the Commonwealth of Virginia along N. Military Highway.

Reviewed:


Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved:


Marcus D. Jones, City Manager

Item Number:

R-2

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** City of Norfolk
1295 N. Military Highway
Norfolk, Virginia 23502
- III. **Description**
This agenda item is an ordinance approving conveyance by quit claim of a utility easement from the Commonwealth of Virginia acting by and through the Commissioner of Highways, to the City of Norfolk and authorizing the City Manager to accept the quitclaim deed of easement on behalf of the City.
- IV. **Analysis**
The Deed of Easement is for the construction, operation, and maintenance of water and sanitary sewer facilities in conjunction with the widening of N. Military Highway.
- V. **Financial Impact**
N/A
- VI. **Environmental**
N/A

VII. Community Outreach/Notification

N/A

VIII. Board/Commission Action


The Departments of Public Works, Utilities and the City Attorney's Office have reviewed this request and offer no objections. Review and approval by the Architectural Review Board and the City Planning Commission is not required.

IX. Coordination/Outreach


This letter has been coordinated with Departments of Public Works, Utilities and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Quitclaim Deed of Easement

Form and Correctness Approved: 


Contents Approved:

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING THE CONVEYANCE BY QUITCLAIM OF A UTILITY EASEMENT FROM THE COMMONWEALTH OF VIRGINIA, ACTING BY AND THROUGH THE COMMISSIONER OF HIGHWAYS, TO THE CITY OF NORFOLK AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE QUITCLAIM DEED OF EASEMENT ON BEHALF OF THE CITY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the conveyance by quitclaim of a utility easement, shown on Exhibit A, from the Commonwealth of Virginia, acting by and through the Commissioner of Highways, to the City of Norfolk is hereby approved.

Section 2:- That the City Manager is authorized to accept the Quitclaim Deed of Easement, a copy of which is attached as Exhibit B, and to do all things necessary and proper to effect the conveyance of the easement to the City of Norfolk.

Section 3:- That this ordinance shall be in effect from and after its adoption.

PROJECT MANAGER: Wm. T. Tamm, (757) 464-5485 Hampton Roads Dist.
 SURVEYED BY: Fred Williams, (757) 562-2652 Hampton Roads Dist.
 DESIGN SUPERVISED BY: Thomas A. Jones, (757) 464-5485 Hampton Roads Dist.
 DESIGNED BY: Wm. T. Tamm, (757) 464-5485 Hampton Roads Dist.

HAMPTON ROADS SANITATION DISTRICT
 1431-C AIR RAIL AVE.
 VIRGINIA BEACH, VA 23455
 MR. GARY JUSTICE
 (757) 460-7022

ADELPHI BUSINESS SOLUTIONS
 2800 ELTHAM AVE., SUITE 103
 NORFOLK, VA 23513
 MR. RICH ELDORGE
 (757) 777-7710

VIRGINIA NATURAL GAS
 5100 E. VA BEACH BLVD.
 NORFOLK, VA 23502
 MR. ARNOLD LUCERO
 (757) 455-2058

DOMINION VIRGINIA POWER
 2700 CROWMELL DRIVE
 NORFOLK, VA 23509
 MR. CLEO COCHRAN
 (757) 657-2376

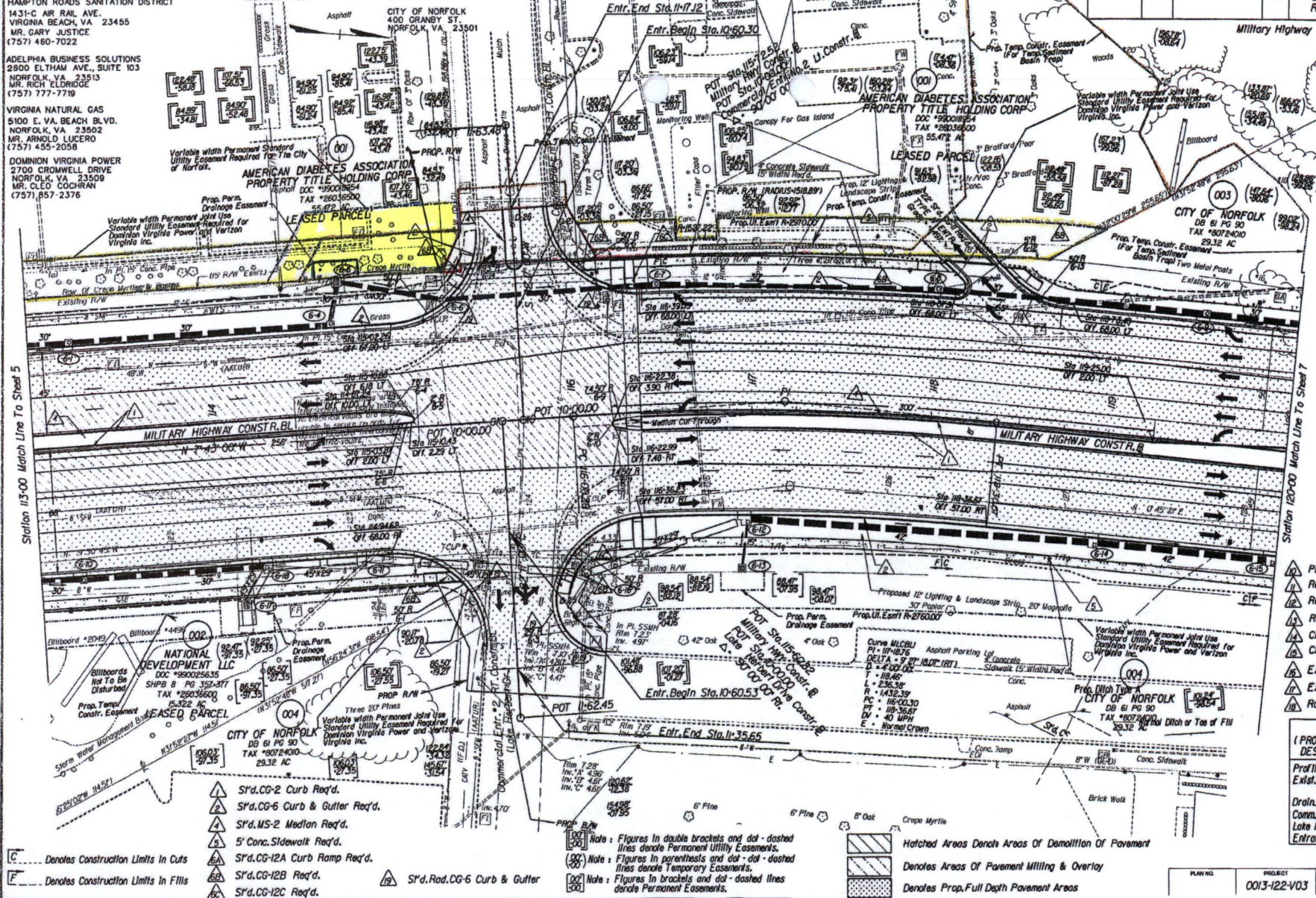
VERIZON VIRGINIA
 5701 CLEVELAND STREET
 VIRGINIA BEACH, VA 23462
 MS. DIANE DOWLING
 (757) 657-5551

COX COMMUNICATIONS
 5200 CLEVELAND STREET
 VIRGINIA BEACH, VA 23462
 MR. TONY SLIPKOP
 (757) 222-8155

THESE PLANS ARE UNFINISHED
 AND ARE NOT TO BE USED FOR
 ANY TYPE OF CONSTRUCTION.

DESIGN FEATURES RELATING TO CONSTRUCTION
 OR TO REGULATION AND CONTROL OF TRAFFIC
 MAY BE SUBJECT TO CHANGE AS DEEMED
 NECESSARY BY THE DEPARTMENT

DATE	STATE	FEDERAL AID PROJECT	ROUTE	STATE PROJECT	SHEET NO.
10-7-10 12-10-10	VA		13	0013-122-V03 RW-203.C-503	6



Dewberry and Davis
 Richmond, Virginia
 HYDRAULIC ENGINEER

VDOT Location & Design
 Richmond, Virginia
 ROADWAY ENGINEER

Station 113+00 Match Line To Sheet 5

Station 120+00 Match Line To Sheet 7

- ▲ Pipes to be Removed
- ▲ Remove Exst. Manhole
- ▲ Remove Exst. Drop Inlet
- ▲ Remove Exst. Endwall
- ▲ Clean Out Exst. Pipes
- ▲ Clean Out Exst. Structure
- ▲ Existing Pipes to be Removed
- ▲ Existing Pipes To Be Plugged
- ▲ Rock Check Dam Type II

REFERENCES
 (PROFILES, DETAIL & DRAINAGE
 DESCRIPTION SHEETS, ETC.)

Profile Sheet... Sheet 6A
 Exst. Drainage Items... SH, IK(1) & SH, IK(2)
 Drain Desc... Sheet 4B(1) & 4B(2)
 Comm. Entr. #2 U. Prof... SH 5B
 Lake Herbert Dr. R. Prof... SH 5B
 Entrance Profiles... SH 7D

- ▲ S'd. CG-2 Curb Req'd.
- ▲ S'd. CG-6 Curb & Gutter Req'd.
- ▲ S'd. MS-2 Median Req'd.
- ▲ S'd. Conc. Sidewalk Req'd.
- ▲ S'd. CG-12A Curb Ramp Req'd.
- ▲ S'd. CG-12B Req'd.
- ▲ S'd. CG-12C Req'd.
- ▲ S'd. Rod. CG-6 Curb & Gutter

Note: Figures in double brackets and dot-dashed lines denote Permanent Utility Easements.
 Note: Figures in parenthesis and dot-dashed lines denote Temporary Easements.
 Note: Figures in brackets and dot-dashed lines denote Permanent Easements.

- ▲ Hatched Areas Denote Areas Of Demolition Of Pavement
- ▲ Denotes Areas Of Pavement Milling & Overlay
- ▲ Denotes Prop. Full Depth Pavement Areas

PLAN NO.	PROJECT	FILE NO.	SHEET NO.
	0013-122-V03		6

**PREPARED BY VDOT
UNDER THE SUPERVISION OF THE
OFFICE OF THE ATTORNEY GENERAL**

**Exempted from Grantor taxes
under Section 58.1-811(C)(4)**

**QUITCLAIM DEED OF EASEMENT
Pursuant to § 33.1-96 of the Code of Virginia**

THIS QUITCLAIM DEED OF EASEMENT, made this 31 day of May, 2014, between the **COMMONWEALTH OF VIRGINIA**, acting by and through the Commissioner of Highways, ("**GRANTOR**") and **CITY OF NORFOLK**, a municipal of the Commonwealth of Virginia ("**GRANTEE.**")

WITNESSETH:

WHEREAS, GRANTEE was the owner or occupier of an easement for the construction, operation, and maintenance of water and sanitary sewer facilities, ("Facilities"), which easement is located in whole or in part within lands taken by the Commonwealth of Virginia for the construction of Route 13, State Highway Project 0013-122-V03, R201 ("the Project"), making necessary the relocation of GRANTEE'S Facilities; and,

WHEREAS, pursuant to the provisions of Title 33.1, Chapter 1, Article 7, of the Code of Virginia (1950), as amended, the Commissioner of Highways (GRANTOR) has recorded a

After recordation return to Grantee's Address:

Certificate of Take with the Clerk of the Circuit Court of the City of Norfolk, Virginia, Number C- 511014 Instrument # 110015084, to take from American Diabetes Association PTH Corporation, certain lands needed for the construction of the Project, including a new easement to provide for the relocation of GRANTEE'S Facilities.

NOW, THEREFORE, in consideration of these premises, GRANTOR, in accordance with the provisions of Section 33.1-96 of the Code of Virginia (1950), as amended, does hereby quitclaim, release, grant and convey without warranty unto the GRANTEE, its successors or assigns, an easement for the construction, operation, and maintenance of GRANTEE'S water and sanitary sewer facilities, including any and all necessary attachments and appurtenances ("Replacement Easement"), as acquired by the recordation of the Certificate of Take, and described as follows:

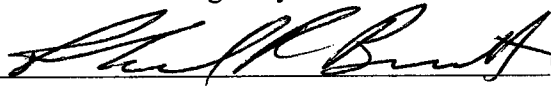
Along and contiguous to the west right of way line of Military Highway from opposite approximate Station 114+36 to opposite approximate Station 115+43, and as more particularly described in said Certificate of Take Number C- 511014 and the plat which is a part thereof.

All or a portion of the Replacement Easement may be located within the 100 year flood plain as may be determined by the Federal Emergency Management Agency and may be restricted as to use by zoning ordinances and regulations of the jurisdictions wherein the land lies.

This conveyance is subject to any right, privilege, easement, condition or restriction encumbering the land on which the Replacement Easement is located, whether located above, upon, or under the surface, either presently in use or of record.

IN WITNESS WHEREOF, the Commonwealth of Virginia, acting by and through the Commissioner of Highways, has caused this Quitclaim Deed of Easement to be executed in its name as of the day, month, and year first above written.

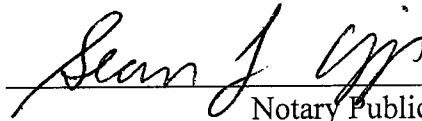
COMMONWEALTH OF VIRGINIA
Commissioner of Highways

BY  (SEAL)
Richard R. Bennett
State Right of Way and Utilities Director
Department of Transportation

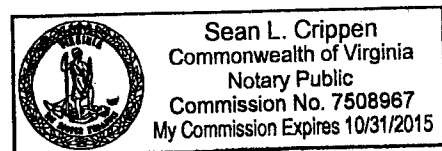
COMMONWEALTH OF VIRGINIA

City of Richmond, to-wit:

The foregoing instrument was acknowledged before me this 25th day of August, 2014, by Richard R. Bennett, State Right of Way and Utilities Director, Virginia Department of Transportation, who has been authorized to execute same by the Commissioner of Highways.


Notary Public

Affix Stamp for Notary ID and Commission Expiration Date:



In compliance with the provisions of Section 15.2-1803 of the Code of Virginia, 1950, as amended, this Deed is in the form approved by the City Attorney for the City of Norfolk and is accepted by the City Manager, on behalf of the City of Norfolk, he having been authorized to so act on behalf of the City of Norfolk by ordinance numbered _____, duly adopted by the Council of the City of Norfolk at the meeting held on _____, ___, 2015, which approval and acceptance are evidenced by the execution of this conveyance by the City Attorney and by the City Manager, or by their duly authorized deputies.

WITNESS the following signatures and seals.

CITY OF NORFOLK

By: _____
City Manager

ATTEST:

City Clerk

STATE OF VIRGINIA,
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in the State of Virginia, whose term of office expires on the ___ day of _____, _____, do hereby certify that Marcus D. Jones, City Manager and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing Quitclaim Deed of Easement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2015.

Notary Public

Registration No.

Approved as to form and correctness:

Deputy City Attorney